

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) Li Nie et al.
Serial No. 10/617,565
Filed July 11, 2003
For GRAIN PROTEIN-BASED
FORMULATIONS AND METHODS
OF USING SAME

Examiner Weier, Anthony J.
Group Art No. 1794
Confirmation No. 3537

January 24, 2008

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT TRANSMITTAL

Dear Sir:

This Information Disclosure Statement is submitted:

- ☒ under 37 CFR 1.97(b), or
(Within three months of filing national application, or date of entry of national application, or before mailing date of first
action on the merits, whichever occurs last)
- ☐ under 37 CFR 1.97(c) together with either a:
☐ Statement under 37 CFR 1.97(e), or
☐ a \$180 fee under 37 CFR 1.17(p), or
(After the CFR 1.97(b) time period, but before final action or notice of allowance, which ever occurs first)
- ☐ under 37 CFR 1.97(d) together with a:
☐ Statement under 37 CFR 1.97(e)(1) or (2), and
☐ a \$180.00 fee set forth in 37 CFR 1.17(p).
(Filed after final action, a notice of allowance, on or before payment of issue fee)

Please charge to Deposit Account 12-0600 the sum of \$0.00. At any time during the
pendency of this application, please charge any fees required or credit any overpayment to
Deposit Account 12-0600 pursuant to 37 CFR 1.25.

☒ Applicant(s) submit herewith Form PTO 1449 – Information Disclosure
Statement together with copies of non-U.S. patents, publications or other information (if any) of
which applicant(s) are aware, which applicant(s) believe(s) may be material to the examination
of the application and for which there may be a duty to disclose in accordance with 37 CFR 1.56.

☐ A concise explanation of the relevance of foreign language patents, foreign
language publications and other foreign language information listed on PTO Form 1449, as
presently understood by the individual(s) designated in 37 CFR 1.56(c) most knowledgeable
about the content is given on the attached sheet, or where a foreign language patent is cited in a

search report or other action by a foreign patent office in a counter part foreign application, an English language version of the search report or action which indicates the degree of relevance found by the foreign office is listed on form PTO 1449 and is enclosed herewith.

☒ At least one reference disclosed in form PTO 1449 submitted herewith is to prosecution (i.e., an Office Action, Response, etc.) from a patent application related to the current application and/or subject matter set forth therein. This prosecution reference is provided to meet the Duty of Disclosure as specifically set forth at MPEP 2001.06 and interpreted by the Federal Circuit in McKesson Information Solutions, Inc. v. Bridge Medical, Inc., 487 F.3d 897 (Fed. Cir. 2007). A copy of each prosecution reference, or an English language translation/summary for foreign prosecution, is submitted herewith.

**STATEMENT UNDER MPEP §2001.06(c)
Status of Related Litigation**

The following judicial proceedings may be related to Application Serial No. 10/617,565:

MGP Ingredients, Inc. v. Mars, Incorporated and S&M Nutech, Inc.

U.S. District Court, District of Kansas (Kansas City)

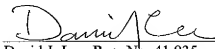
CASE #: 2:06-cv-02318-JWL

Materials from this proceeding are being compiled, and will be submitted within the three-month period of Suspension of Action that has been requested with this submission

It is requested that the information disclosed herein be made of record in this application.

Respectfully submitted,

LATHROP & GAGE LC



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